

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SABRINA ZELLER,  
and  
KRISTEN KANTNER,**

**APPELLANT,**

**APPELLANT,**

**v.  
CAMERON SCAFE**

**RESPONDENT.**

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DOCKET NUMBER WD79016 Consolidated with WD79033

DATE: September 6, 2016

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Appeal From:

Lafayette County Circuit Court  
The Honorable Dennis A. Rolf, Judge

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Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

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Attorneys:

Hans H. van Zanten, Kansas City, MO, for appellant Kristen Kantner.  
Matthew J. O'Connor, Kansas City, MO, for appellant Sabrina Zeller

John F. Cooney and Kevin E. Myers, St. Louis, MO, for respondent.

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

SABRINA ZELLER,  
and  
KRISTEN KANTNER,

APPELLANT,

APPELLANT,

v.  
CAMERON SCAFE,

RESPONDENT.

No. WD79016 Consolidated with WD79033

Lafayette County

Before Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Sabrina Zeller, plaintiff *ad litem* for her deceased son Cody Turner, and Kristen Kantner, appeal from the trial court's judgment dismissing their claims against Cameron Scafe. Zeller and Kantner argue that dismissal was erroneous because each stated a claim for negligence *per se* given Scafe's violation of section 311.310.2.

**AFFIRM.**

**Division Two holds:** In 2005, section 311.310 was amended to add subsection 2, which expanded the category of persons who could be criminally liable for furnishing alcoholic beverages. The amendment created a class B misdemeanor for "[a]ny owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property [to] knowingly allow[] a person under the age of twenty-one to drink or possess intoxicating liquor or knowingly fail[] to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor on such property." Before the amendment, it was settled law in Missouri that neither principles of common law negligence, nor section 311.310, impose a duty supporting civil liability upon social hosts. The 2005 amendment of section 311.310 does not reflect legislative intent to abrogate existing law.

Opinion by Cynthia L. Martin, Judge

September 6, 2016

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